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Appl. No. 10/751,362
Atty. Docket No. AA611
Amtd. dated October 4, 2005
Reply to Office Action of September 19, 2005
Customer No. 27752

OCT 04 2005

REMARKSClaim Status

Claims 1 -21 are pending in the present application and are subject to restriction/election. Claims 12-21 have been canceled by this amendment as being drawn to a non-elected invention.

Response to Requirement for Restriction of Inventions

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. Applicants elect to prosecute the Claims 1-11 designated in the Office Action as drawn to the invention of Group I. This election is made without traverse. Claims 12-21 have been canceled by this amendment as being drawn to a non-elected invention.

Election of Species

The Office Action further requires election of species within the invention defined by Group I. Solely for the purposes of responding to this requirement, applicants elect Species 1 from List 1 and Species A from List 2. Both elections of species are made with traverse.

This traversal is made to the extent that the Office Action incorrectly concludes that currently, no claim is distinct to these patentably distinct species. In fact, Claim 1 is generic both as to the species of List 1 and List 2.

For example, Claim 1 only recites that the articles have a predetermined association. Claim 2 is dependent upon Claim 1 and specifies that this predetermined association includes a predetermined order and that the articles are stacked in accordance with such order. Claim 3 is also dependent upon Claim 1 and specifies that the articles are stacked in the package in a randomly selected order. However, Claim 1 is generic to both of these species, even assuming restriction among patentably distinct species is proper in the first instance here. Therefore, upon a finding that Claim 1 is patentable over the art, Applicants are entitled to have each of Claims 2-11 allowed.

The species of List 2 apparently is derived from the Markush Group of Claim 10. Claim 1 is generic to this claim and to this group. Further restriction among these species is improper because the species are not mutually exclusive as is required for such a

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restriction. Claim 10 merely specifies different component materials which have the claimed printed graphic. However, placement of such a printed graphic on one component material does not preclude its placement on another component material. In any event, Claim 1 is generic to all such placements as Claim 1 simply requires the graphic be disposed between the garment facing and wearer facing surface. As is the case with List 1, if Claim 1 is allowed, all of the items of the Markush group in Claim 10 are allowable as well.

Conclusion

In light of the above remarks, it is requested that the Examiner note that Claim 1 is generic, examine Claims 1-11 on the merits and allow the claims.

Respectfully submitted,

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